IN THE
SUPREME COURT OF THE UNITED STATES.
OCTOBER TERM, 1950.
No. .

HARTFORD ACCIDENT AND INDEMNITY COMPANY,
of 110 William Street, New York City,
Petitioner,

—against—

PAULINE CASALINO.

MOTION TO FILE A BRIEF AS *AMICUS CURIAE.*

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your petitioner, Excise Bond Underwriters, Inc. of 130 William Street, New York City, an association consisting of the following insurance companies writing excise bonds in the State of New York:

Aetna Casualty & Surety Company
American Bonding Company
American Employers Insurance Company
American Surety Company of New York
Century Indemnity Company
Columbia Casualty Company
Commercial Casualty Insurance Company

Continental Casualty Company
Employers Liability Assurance Corp., Ltd.
Fidelity & Casualty Company of New York
Fidelity & Deposit Company of Maryland
Fireman's Fund Indemnity Company
Glens Falls Indemnity Company
Great American Indemnity Company
Hartford Accident and Indemnity Company
Indemnity Insurance Co. of North America
London & Lancashire Indemnity Co. of America
Maryland Casualty Company
Massachusetts Bonding & Insurance Company
Metropolitan Casualty Insurance Co. of N. Y.
National Surety Corporation
New Amsterdam Casualty Company
New York Casualty Company
Seaboard Surety Company
Standard Accident Insurance Company
United States Casualty Company
United States Fidelity & Guaranty Company
United States Guarantee Company

respectfully moves this Court for an order granting it leave to file a brief as *amicus curiae*.

Although your petitioner is not a party to the action herein, its member insurance companies underwrite practically all excise bonds issued in the State of New York and will be prevented from recouping a large percentage of their losses if the decision herein stands.

The premium rates fixed on excise bonds are determined in part by the right to recoup from defaulting principals and, if a discharge in bankruptcy releases the principal from such liability, the insurance companies associated with your petitioner will sustain a great loss.

In addition, practically all of the said member insurance companies have judgments against defaulting principals, which will become invalid by reason of the decision of the Court of Appeals, at a great financial loss to said companies.

In the Appellate Division of the State of New York, First Department, and in the Court of Appeals of the State of New York, a similar application was granted and briefs as *amicus curiae* were submitted in both courts.

It is, therefore, respectfully requested that the Court grant leave to petitioner to file with this Court a brief as *amicus curiae*.

Dated: New York, January 16, 1951.

WILLIAM J. JUNKERMAN,
Counsel for Petitioner, Excise Bond Underwriters, Inc.

GEORGE F. BLAKE,
Of Counsel.